

PLANNING COMMISSION MINUTES

May 6, 1997

Present: Chairman Dean Jolley, Vice-Chairman Lois Williams, Mike Holmes, Ken Cutler, Don Milligan, Dick Dresher; Sam Fowler, City Council Representative; Rusty Mahan, City Attorney; Paul Rowland, Assistant Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: Mark Green.

Dean Jolley welcomed all those present. Dick Dresher mentioned that when discussing the final site plan for Fred Meyers he asked that the revised plans be brought back to the Planning Commission for review on landscaping and fencing. Mr. Dresher would like this added to the minutes after the motion for the approval. Mike Holmes made a motion to approve the minutes for April 15, 1997 as modified. Dick Dresher seconded the motion and voting was unanimous.

Conditional Uses

1. Public hearing to consider granting a conditional use permit to create a duplex from a single family home in the R-1-6.5 Duplex Overlay Zone at 55 West 1950 South, Andrew and Patricia Bamford, applicants.

Andrew and Patricia Bamford were present. Blaine Gehring explained that this is a single family zone and a single family neighborhood. Under the old ordinance (1982 version) this neighborhood was one of two in the city which would allow a duplex by a conditional use permit. In order to not take away this right and because we had identified other existing duplexes in these areas, the Duplex Overlay Zone (Section 14-4-117) was created. As stated, the overlay zone will allow for a duplex conversion only upon review and approval of a Conditional Use Permit. Prior to the 1982 Zoning Ordinance, this area was zoned to allow duplexes as a permitted use since 1955.

Based on the ordinance and the history of zoning in the area, Staff recommends granting the conditional use permit to allow the conversion of the single family home at 55 West 1950 South to a duplex under the Duplex Overlay Zone.

Andrew Bamford explained that he would like to convert this home to a duplex for family reasons. The basement would be used as a rental for young couples. There will not be any changes done to the home other than general maintenance and yard work.

The public hearing was opened for further comments or concerns. Boyd Colton, residing at 65

W. 1950 S., approves of this conversion.

Janeth Balle, residing at 160 W. 1950 S., opposes this proposal. Ms. Balles' father, Weldon Thacker, residing at 151 W. 1950 S., also opposes this proposal. There is no problem with the owners just the idea of another duplex. The existing duplex on the street has not been maintained and the police have been called on the residents. This neighborhood is single family homes and a stable neighborhood. Adding duplexes (rental units) will take this away and devalue the homes.

Virginia and Gene Piepgrass, residing at 60 W. 1900 S., oppose this proposal. If this proposal is granted others will be granted and it will continue throughout the neighborhood.

Fred Real mentioned that when he moved to this neighborhood (40 years ago) it was a single family neighborhood. Now there are several duplexes and they are maintained poorly. The value of his property will go down.

There were no further comments and the Public Hearing was closed. There was a discussion on what was the ordinance before the current zone? Mr. Gehring explained that this area has always been zoned for duplexes since 1955. Since 1982 the Duplex Overlay Zone has been in place for the conversion of a duplex with a Conditional Use Permit conversion.

Rusty Mahan read section 14-4-117 the Special Duplex Overlay Zone which reads:

A duplex overlay zone is established for specific areas zoned R-1 to allow for conversions of single-family dwellings to duplexes. Such areas shall be designed on the official zoning map with a "(D)" symbol after the zone designation, i.e., R-1-6.5 (D). The duplex overlay zone will allow for a duplex conversion only upon review and approval of a Conditional Use Permit by the Planning Commission. This overlay zone does not permit the construction of new duplexes in an R-1 Zone.

Mr. Mahan also read the following section 14-2-206 from the Provisions for Conditional Uses:

The Planning Commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this Ordinance. In authorizing any conditional use, the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The Planning Commission shall not authorize a Conditional Use permit unless the evidence establishes:

A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.

B. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of

appropriate gradation of building height away from single-family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, and impacts on schools, utilities and streets.

C. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support, and other information which may be needed in order to render a proper decision.

Section 14-2-201 Purpose of Conditional Use Provisions

Certain uses which may be harmonious under special conditions and in specific locations within a district, but may not be suitable and desirable in other locations, are classed as conditional uses within the various districts and require Conditional Use Permits for approval as authorized by the Planning Commission.

Lois Williams asked how many parking spaces and how many cars will there be? There will be a total of three cars. Two of the cars will park in the carport and the remaining one can park in the driveway. The driveway is large enough to park four cars.

There was a discussion about the entrance to each unit, are they separate or common entrances? Each unit will have their own entrances. The front door will be used for the upstairs apartment and the back door will be used for the basement apartment.

Sam Fowler mentioned that he has been on the phone all afternoon discussing this matter. Mr. Fowler feels that the feelings of the neighbors have to be heavily weighed in regarding this matter. The neighbors do not want this and Mr. Fowler will vote against it because the neighbors do not want it.

Mike Holmes mentioned that the zoning is saying that duplexes are permitted in this area but as a City, do we really want it?

Mr. Gehring mentioned that changing the zoning now is not the issue. If the Planning Commission wants to look at changes the neighborhood will have to provide a petition to the Planning Commission to present to the City Council for the change. This ordinance has been in effect for almost four years. This is the first application before the Planning Commission in either of the two Duplex Overlay Zones for the conversion.

Mr. Mahan explained that in making a decision on this issue, the Planning Commission has to look past the opposition from the neighborhood. The reason for the opposition (not compatible or desirable with the neighborhood) has to be considered. The final decision can't

be only on neighborhood opposition. The reasons must be articulated.

Mike Holmes made a motion to deny a conditional use permit, based on 14-2-206A will not contribute to the well being of the neighborhood, to create a duplex from a single family home in the R-1-6.5 Duplex Overlay Zone at 55 West 1950 South. Sam Fowler seconded the motion and voting was three for the motion and four against the motion. Rusty Mahan suggested that a new motion be made. Don Milligan made a motion to grant a conditional use permit to create a duplex from a single family home in the R-1-6.5 Duplex Overlay Zone at 55 West 1950 South subject to the recommendation of staff. Lois Williams seconded the motion and voting was passed by majority vote (four for the motion and three against the motion).

Don Milligan suggested, for those present on this issue, to submit a petition with the Planning Commission if they would like the zoning changed.

Site Plans

2. Consider final site plan approval for 12 additional units at Colonial Pointe Apartments, B.K. Enterprises, owner.

Bart Curtis and Craig Lee, for B.K. Enterprises, were present. Paul Rowland explained that this is the final site plan review and all of the necessary plans have been received, including a landscaping plan. The Staff has reviewed these plans and all that is required are standard items.

1. Sanitary sewer receive approval of South Davis Sewer District.
2. Culinary water system receive approval of South Davis Water District.
3. The 6 inch water line needs to be extended to the west side of the parking lot and another fire hydrant added.
4. Provide the City with easements:
 - a. 20 feet wide along the centerline of the sewer main and water main.
 - b. along the centerline of all power lines, both underground and overhead, and around all transformers as required and approved by the Bountiful Power Department.
 - c. as required by all other utility providers.
5. Receive approval for the secondary water system.
6. Provide details of dumpster enclosure to meet ordinance requirements.

7. Provide details of the required solid barrier fence along the east, south and west sides of the property.
8. Complete all plans in compliance with the Building Code.
9. Payment of all required fees.
10. No occupancy to be allowed until all on site improvements, including landscaping, are completed.

The Staff recommends the Planning Commission send a favorable recommendation for final site plan approval to the City Council.

Ken Cutler made a motion to recommend to the City Council final site plan approval for 12 additional units at Colonial Pointe Apartments subject to conditions 1-10 and the addition of the following:

11. A new 2x2 foot clean out box be reviewed by the City Engineer.

Don Milligan seconded the motion and voting was unanimous.

2. Consider final site plan approval for the Legacy Assisted Care Facility on the northwest corner of 100 East and Center Street, Western States Lodging, owner.

Richard Miles, with Western States Lodging, was present. Blaine Gehring explained that, in the last meeting, a question was raised in relation to the parking stalls being in what is the front setback off the two streets. Mr. Mahan and Mr. Gehring have reviewed the ordinance as it relates to a commercial use and the only requirement we can see is that the first ten feet must be in landscaping. Parking in that front setback may occur. There were some problems on the landscaping setbacks and size of the stalls in the parking on the north side of the building. That parking area has been revised and now complies with all setback requirements. Staff is resubmitting the plan for preliminary and final approval with the following conditions:

1. Sanitary sewer connection fee will be based on final plans.
2. Culinary water:
 - a. Need to show meter size and main.
 - b. Fire sprinkling line requires a tap & valve=\$1,438.
3. Storm drainage:
 - a. Pay storm detention fee or provide detention on site. Fee is \$2,100 pe acre for 1.438 acres=\$3,020.

- b. The drain system is absolute minimum grade. This should be increased if possible. Show elevations in canal and increase grades.
4. Show details on the site plan:
 - a. Curb and gutter on site.
 - b. Parking and drive areas (3" asphalt on 6" base).
 - c. Catch basins.
 - d. Storm drain piping.
5. Retaining wall required to meet code. The finish grade is 2 feet above adjacent properties.
6. New curb, gutter and sidewalk is required along Center Street. All other curb, gutter and sidewalk must be replaced to City standards as required.
7. Easements:
 - a. Provide 7' utility easements along both streets.
 - b. Provide 7' easement along north property line and 14' along centerline of power line from 100 East for Power Department.
8. Obtain approval from Davis County Flood Control.
9. Obtain approval from Davis Health Department for food service.
10. Fire sprinkling system for entire building required.
11. Final plans to comply with Building Code.

Staff recommends the Planning Commission recommend preliminary and final site plan approval to the City Council.

Dick Drescher asked what type of fence will be used. The ordinance requires a solid barrier 6-foot fence between the home and the parking lot. Mr. Miles mentioned that there will be a solid vinyl type fence around the premises where required. There is a section next to the creek that will need to be left opened for Davis County Flood Control access. Mr. Drescher wishes to have his opinion on record about the parking. He disagrees with Staff and Rusty Mahan, City Attorney, on the parking. The ordinance on parking states "parking spaces shall not be provided within a required front yard or side yard adjacent to a public street." The landscape section of the ordinance says, the first 10 feet will be landscaped, the next 15 feet can be something else. It says we can't put parking places here. Mr. Drescher is opposed to this project with the parking issue and he will not vote for it.

Blaine Gehring mentioned that the parking is a residential use and meets the ordinance. Mr.

Dresher stated that the same restriction regarding front and side yards as contained in the commercial C-G zone should apply. He also is still concerned about the impact on the neighborhood with not enough parking and excessive cars during times of activities such as choirs, parties, etc., held at the facility, since there is a large activity room as a part of the facility.

At the point, Mr. Miles indicated that the large room is only used for church services and they have no other activities.

Mr. Dresher mentioned that a neighbor had visited one of Mr. Miles' facility in South Jordan and thought the facility was great until she saw a large auditorium with a stage for activities. This neighbor now has some concerns with parking when activities are being held. Mr. Dresher is not concerned about parking for the 70 residents but concerned about having enough parking for visitors when activities are being held.

Mr. Miles mentioned that the auditorium has been provided by ordinance and is used for church services. Mr. Dresher asked if this room is used for other activities and the response by Mr. Miles was yes, absolutely. No further discussion was made about the auditorium.

Ken Cutler made a motion for preliminary and final site plan approval for Legacy House, an assisted care living facility at the northwest corner of 100 East and Center Street, Western States Lodging, applicant. Don Milligan seconded the motion and voting past by majority vote.

Subdivisions

1. Consider preliminary and final subdivision approval for condominiums of the Five Points Townhouses, Brian Knowlton, owner.

Brian Knowlton, owner, was present. Blaine Gehring explained that Mr. Knowlton has completed the first phase and now completing this phase at 1600 South between Main Street and 200 West. Mr. Knowlton would like to have these units recorded as condominiums so he can sell the individual units. Mr. Knowlton is seeking approval of the condominium plat. Staff recommends preliminary and final subdivision approval of the plat with the following conditions:

1. Final check of condominium and payment of fees required for checking.
2. Designation of private common and semi-private areas on the plat.
3. Show of easements and/or common property for Bountiful City utilities.
4. Provide a current title report for verification of ownerships and property encumbrances.
5. Provide covenants to be recorded with condominium plat.

6. Approval of utility easements.
7. Compliance with all other City ordinances.
8. Payment of recording fees.

There was a discussion on the wording of items #2 and #5. It was decided to change the wording as follows:

2. Designation of private, common and ~~semi-private~~ limited common areas on the plat.
5. Provide ~~for~~ covenants to be recorded with condominium plat.

Lois Williams made a motion to recommend preliminary and final subdivision approval for the condominiums of the Five Points Townhouses subject to the recommendations of Staff with the changes to items #2 and #5. Mike Holmes seconded the motion and voting unanimous.

2. Consider final subdivision approval for Franklin Farms Subdivision Phase 4.

This item has been canceled for another date.

Zoning Ordinance Amendments

1. Consider a zone change at 444-478 W. 400 North from C-H to R-3-13, Rick Condie, et.al., applicants.

Rick Condie, applicant, was present. Blaine Gehring explained that Mr. Condie and his neighbors own the four homes east of the commercial properties at the corner of 400 North and 500 West. Mr. Condie is in the process of selling his home and his buyer has been told by his bank that they will not finance a non-conforming use without a letter from the city stating that the home could be rebuilt in case of fire or destruction. Bountiful City will not issue such letters so Mr. Condie is seeking a rezone of his property to a residential zoning. His other neighbors to the east have joined Mr. Condie in this request because they will face similar problems when they try to sell the property. This zone change is a logical one. Staff recommends sending this zone change to the City Council with a favorable recommendation.

Mike Holmes made a motion to send a favorable recommendation to the City Council for a zone change at 444-478 West 400 North from C-H to R-3-13, Rick Condie, applicant. Lois Williams seconded the motion and voting was unanimous. Rick Condie thanked Blaine Gehring for all his help. Mr. Condie related the same message for

his neighbors who were not present.

2. Consider a zone change at 2034 S. Orchard Drive from C-G to R-3-16, Mark Arnold, applicant.

Mark Arnold, applicant, was present. Blaine Gehring explained that this zone change came to the Planning Commission a year ago. It is a request to have the old gas station at 2034 S. Orchard Drive rezoned R-3-16 to allow for better development of the property behind it to the west which is already zoned R-3-16. The Planning Commission previously recommended favorably on this rezone but at the public hearing the City Council voted to deny the request. Now, the building has been victim to transients who have broken in and used the building for shelter. Mr. Arnold has had several opportunities to lease the old station but to uses he felt were not compatible---quick lube station, used car sales, ski-doo/sea doo sales and rentals and auto repair.

Mr. Gehring felt a year ago and feels so now that this zone change is a good one which will only enhance the area. Staff would encourage the Planning Commission to make a second favorable recommendation for this zone to R-3-16.

Mike Holmes mentioned that this area is a pit and should be brought to the City Council again. Mike Holmes made a strong favorable recommendation to the City Council for a zone change at 2034 S. Orchard Drive from C-G to R-3-16, Mark Arnold, applicant. Mr. Holmes **STRONGLY** | **_feels that this zone needs to be changed.** Ken Cutler seconded the motion and voting was unanimous.

Meeting adjourned at 8:35 P.M.